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Examiner T. Scheiner, Group Art Unit 1642, U.S. Patent and Trademark Office to
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Annette Parker
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GROUP 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lal et al.

Title: HUMAN SIGNAL-CONTAINING PROTEINS

Serial No.: 09/002,485

Filing Date: December 31, 1997

Examiner: T. Scheiner

Group Art Unit: 1642

#8 2/24/99
T. Gray

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121 AND
ELECTION OF SPECIES

Sir:

This communication is in response to the Restriction Requirement mailed September 30, 1998, in the above-referenced application.

Claims 1-23 were originally filed. In response to the restriction requirement, Applicants elect the claims of Group II (claims 2-14, 22 and 23) with traverse. Applicants submit that the invention encompassed by the claims of Group II (drawn to polynucleotides, etc.) could be examined at the same time as the inventions encompassed by the claims of Groups I, III-V. For example, a search of the prior art to determine the novelty of the polynucleotides of the invention would provide information regarding the novelty of the encoded polypeptides and compositions thereof and corresponding antibodies. Accordingly, because the searches required to identify prior art relevant to all claims would substantially overlap, Applicants respectfully submit that examination of originally filed claims 1-23 would pose no undue burden. Thus, Applicants

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request reconsideration and withdrawal of the Restriction Requirement and examination of the claims in Groups I-V.

In the event that the Examiner determines that the Restriction Requirement should be maintained, Applicants hereby cancel claims 1, and 15-21 without prejudice to renewal as being contained within the non-elected groups. Applicants reserve the right to prosecute the non-elected claims in subsequent divisional applications.

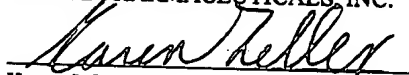
Applicants elect species SEQ ID NO: 102 as the polynucleotide sequence and SEQ ID NO: 25 as the corresponding polypeptide sequence for examination as applied to the claims in Group II (claims 2-14, 22 and 23).

Applicants believe that no fee is required with this communication. However, should the United States Patent and Trademark Office determine that a fee is due, the Assistant Commissioner is hereby authorized to charge the required amount to Deposit Account No. 09-0108.

This form is enclosed in duplicate.

Respectfully submitted,

INCYTE PHARMACEUTICALS, INC.



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